



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Record Press, Inc.--Request for Reconsideration

File: B-229570.3

Date: March 14, 1988

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### DIGEST

Request for reconsideration of decision denying protester's claim that agency improperly rejected its bid as nonresponsive is denied where protester does not show that original decision was based on error of fact or law.

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### DECISION

Record Press, Inc. requests reconsideration of our decision Record Press, Inc., B-229570.2, Feb. 17, 1988, 88-1 CPD ¶ \_\_\_, denying its protest against award of a contract under invitation for bids (IFB) Program No. 1272-S issued by the Government Printing Office for the printing of appellate briefs. We deny the request for reconsideration.

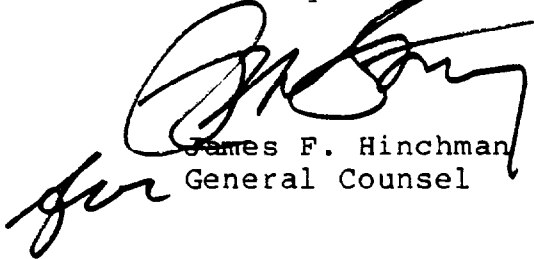
The IFB required the contractor to pick up manuscript copy at 7:30 a.m. and deliver typeset copy by 4 p.m. that same day. Award was to be made to the lowest priced bidder. In addition to line item prices for basic services, bidders were to list a price, stated as a percentage, for premium work authorized by the agency. The charge for premium work, which applied to orders requiring production on weekends, holidays and "daily overtime periods," was not to be evaluated. Record Press filled in its premium charge on the IFB but also wrote in "Daily Overtime Period: 3:30 p.m. to 7:30 a.m. (16 hours)." The agency rejected the protester's bid as nonresponsive because it believed that Record Press, by inserting the overtime statement, had qualified its bid by not offering a firm, fixed price for the 4 p.m. normal scheduled delivery requirement, since its overtime commenced at 3:30 p.m. Record Press argued that since the IFB required delivery "by" 4 p.m., it could perform by delivering prior to that time at 3:30 p.m. It stated that the notation in its bid was simply a clarification regarding Record Press' standard 8-hour day and an indication of its intent to perform within that timeframe.

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We denied the protest because we found Record Press' bid was, at best, ambiguous as to whether premium charges would be incurred for normal deliveries. Its bid was therefore not an unequivocal offer to perform in compliance with the IFB requirements at a firm, fixed price and was properly rejected as nonresponsive. HBH, Inc., B-225126, Feb. 26, 1987, 87-1 CPD ¶ 222.

In its request for reconsideration, the protester reiterates the arguments already raised in the protest and disagrees with our conclusions. We have reviewed our decision in the context of Record Press' reconsideration request and we do not find that our decision was based on an error of fact or law. Thus, we see no basis to disturb our decision. See Bid Protest Regulations, 4 C.F.R. § 21.12(a) (1987); A&E Industries, Inc., et al.--Reconsideration, B-226997.8, et al., Aug. 17, 1987, 87-2 CPD ¶ 163.

The request for reconsideration is denied.



James F. Hinchman  
General Counsel